

Yoncalla West Regeneration Harvest
EA# OR-104-98-28
Decision Document

This project was formerly analyzed in EA No. OR-104-97-05 and sold at auction on September 30, 1997. This sale has never been awarded due to Appeal by Umpqua Watersheds, Inc. On April 28, 1998, Judge Rothstein of the U.S. District Court, Western District of Washington, issued an order in the case of Pacific Coast Federation of Fisherman's Association et al, vs the National Marine Fisheries Service (NMFS), et al, which found the BLM to be procedurally out of compliance with Section 7(a)(2) of the Endangered Species Act (ESA) due to a determination that the site-specific Biological Opinions (BO) of June 18, 1997 and July 22, 1997 are invalid. This analysis is needed to more clearly determine project consistency with Watershed Analysis (WA), the Aquatic Conservation Strategy (ACS) objectives, and NMFS' March 18, 1997 plan-level BO.

An Interdisciplinary (ID) Team of the Swiftwater Resource Area, Roseburg District, Bureau of Land Management has analyzed the proposed **Yoncalla West Regeneration Harvest** project. This analysis and the "Finding of No Significant Impact" (FONSI) was documented in Environmental Assessment (EA) No. OR-104-98-28. The thirty day public review and comment period was completed on September 24th, 1998. One letter with comments was received as a result of public review.

The proposed action involves the regeneration harvest of mature and old-growth timber in the East Elk Creek watershed located in Section 33; T22S R5W, W.M. and is in the Matrix Land Use Allocation. Harvest activities will occur on 26 acres and harvest approximately 1120 CCF of timber.

The following objectives will be met by this proposal:

1. Practice ecosystem management as outlined in the ROD and RMP (EA, pg. 2).

2. "Produce a sustainable supply of timber and other forest commodities" (RMP pg. 33) and meet District PSQ goals.

Decision

It is my decision to authorize the implementation of the Proposed Action Alternative as outlined above and award the sale to the purchaser. This sale will not be awarded until a final BO or letter of concurrence, which includes a non-jeopardy determination, has been received from the NMFS. The expected implementation of the project is in the summer of 1999. The contract duration will be 24 months. The project design features for this alternative are listed on pages 5-8 of the EA. These features have been developed into contract stipulations and will be implemented as part of the timber sale contract.

Section II of the EA describes three alternatives: the "No Action" alternative (alternative #1), Normal NFP Sale (alternative #2) and a Normal NFP Sale with additional road decommissioning (alternative #3 - Proposed Action). The No Action alternative was not selected because the EA did not identify any impacts of the Proposed Action that would be beyond those identified in the EIS. The No Action alternative would not meet the objective of producing a sustainable supply of timber and other forest commodities. Alternative #2 was not selected because it did not take the opportunity do restoration activities as would the proposed action alternative.

The proposed action will decommission road No. 23-4-6.0 and 23-5-13.0. Decommissioning will consist of: cross drain (culvert) removal, subsoiling of the roadbed, construction of vehicle barriers and water bars, and mulching and planting with conifer and grass species.

The following specifics are noted as the result of sale layout:

- 1). A total of 515 ft. (0.1 mi.) of temporary road will be constructed (two spurs). A total of 7885 ft. (1.49 mi.) of existing road will be renovated (i.e. brought back to its original condition) and 830 ft. (0.16 mi.) of existing road will be improved (i.e. improved beyond its original condition). A total of 3698 ft. (0.7 mi.) of existing road will be decommissioned.

- 2). In the harvest areas, approximately 26 snags greater than 20" in diameter breast height (DBH) and 20' in height and 232 retention (green) trees greater than 20" DBH will be maintained, pre-harvest. This equates to 1.0 snags/acre and 8.9 green trees/acre. The RMP calls for 1.2 snags and 6-8 green trees/acre. The 0.2 snags/acre deficit will be met through the additional 0.9 green trees/acre retained above RMP requirements. Retention trees are reserved in a scattered arrangement of individual trees as well as occasional clumps of two or more trees. The average retention tree diameter is 34" DBH with 99% being Douglas firs. A total of 86 conifers less than 20" DBH and one hardwood greater than 20" DBH were also reserved although not required by the RMP.

- 3). Approximately 1278 linear feet of existing class #1 and #2 down logs (coarse woody debris) were found in the units and will be retained pre-harvest. This equates to 71 linear feet/acre. The RMP guideline is for 120 linear feet/acre. As specified in the RMP, extra green trees were left to meet this deficit. In this case an additional 0.7 green trees/acre were left. Additionally, 0.8 trees per acre greater than 16" but less than 20" DBH were left that would also qualify for future recruitment of down logs in the size specified in the RMP.

Decision Rationale

The Proposed Action Alternative meets the objectives for lands in the Matrix land allocation and follows the principles set forth in the ROD, dated April 13, 1994 and the RMP, dated June 1995.

Cultural clearance with the State Historical Preservation Office was completed and resulted in a "No Effect" determination.

Consultation with U.S. Fish and Wildlife Service for this project has been completed. The

Biological Opinion is summarized as saying that the action is " . . . not likely to jeopardize the continued existence of the bald eagle, peregrine falcon, spotted owl or murrelet, or adversely modify designated critical habitat for spotted owls and murrelets."

Consultation under Section 7(a)(4) of the Endangered Species Act has not been completed with the NMFS on the Umpqua River cutthroat trout, Oregon Coast steelhead trout and Oregon Coast coho salmon. The sale contract will not be awarded until a final BO or letter of concurrence, which includes a non-jeopardy determination, has been received. The sale was designed to follow the guidance of the RMP and the NFP, and to incorporate mitigations identified in the consultations on previously listed salmonids, as appropriate. Therefore, it is our expectation that the BO will not make a jeopardy determination nor prescribe any reasonable and prudent measures or terms and conditions that are not already part of the sale design and mitigation. If additional reasonable and prudent alternative measures or terms and conditions are prescribed which would require alteration in the terms of the sale contract, the agency retains the discretion (prior to contract award) to adjust the sale design accordingly and readvertise the sale if necessary.

This project received extensive review for consistency with the ACS objectives by the ID Team as well as the Level I Team during formal consultation with the NMFS. A finding of consistency was made in the FONSI subject to completion of consultation with NMFS.

This decision is based on the fact that the Proposed Action Alternative implements the Standards and Guidelines (S&Gs) as stated in the ROD and RMP. The project design features as stated in the EA would protect the Riparian Reserves, minimize soil compaction, limit erosion, protect slope stability, wildlife, air, water quality, and fish habitat, as well as protect other identified resource values. This decision recognizes that impacts will occur to the resources, however, the impacts to these resource values would not exceed those identified in the Final Supplemental Environmental Impact Statement (FSEIS). The Decision provides timber commodities with impacts to the environment at a level within the bounds of the FSEIS.

Comments were solicited from affected tribal governments, adjacent landowners and affected State and local government agencies. No comments were received. During the thirty day public review period, comments were received from Umpqua Watersheds, Inc. (Francis Eatherington). None of the comments provided new information which should be considered in this decision. Most of the comments are the result of a difference of interpretation over the Northwest Forest Plan ROD, opposition to BLM policy or opposition to harvest on federal lands.

Compliance and Monitoring

Monitoring will be conducted as per the guidance given in the ROD and the RMP.

Protest and Appeal Procedures

As outlined in Federal Regulations 43 CFR, 5003.3, "Protests of ... Advertised timber sales may be made within 15 days of the publication of a ... notice of sale in a newspaper of general circulation." Protests shall be filed with the authorized officer (John L. Hayes) and shall contain a written statement of reasons for protesting the decision. Protests received more than 15 days after the publication of ... the notice of sale are not timely filed and shall not be considered. Upon timely filing of a protest, the authorized officer shall reconsider the decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him/her. The authorized officer shall, at the conclusion of his/her review, serve his/her decision in writing to the protesting party. Upon denial of a protest ... the authorized officer may proceed with the implementation of the decision.

For further information, contact John L. Hayes, Area Manager, Swiftwater Resource Area, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd; Roseburg, OR. 97470, 541 440-4931.

John L. Hayes, Area Manager
Swiftwater Resource Area

Date